

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

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MARY WILKINS,

Plaintiff,

v.

CAROLYN W. COLVIN,

Defendant.

Case No. 2:13-cv-00918-JCM-PAL

**REPORT OF FINDINGS AND
RECOMMENDATION**

This matter is before the court on Plaintiff Mary Wilkins' failure to comply with the court's Scheduling Order (dkt #17) and Order to Show Cause (Dkt. #21). Plaintiff is proceeding in this action pro se and in forma pauperis. Plaintiff's Amended Complaint (Dkt. #4) seeks reversal of the Commissioner of the Social Security Administration's decision denying Plaintiff disability benefits.

On October 31, 2013, the court entered a Scheduling Order (Dkt. #17) which required Plaintiff to file any motion for reversal or remand no later than March 10, 2014. The Order warned that failure to file a motion or points and authorities may result in dismissal of this action. *See* Scheduling Order (Dkt. #17) at ¶ 12. Plaintiff did not file a motion for reversal or remand, request additional time to do so, or take any other steps to prosecute this case, and on April 15, 2014, the court entered an Order to Show Cause (Dkt. #21).

The Order to Show Cause directed Plaintiff to show cause, in writing, no later than May 15, 2014, why this case should not be dismissed for failure to comply with the Scheduling Order and failure to prosecute this case. The Order to Show Cause warned Plaintiff that failure to comply with the Order would result in a recommendation to the district judge that the case be dismissed. *See* Order to Show Cause at 2:1-2. The court also allowed Plaintiff to simply file a motion to reverse or remand by May 15, 2014, and no sanctions would be entered or further

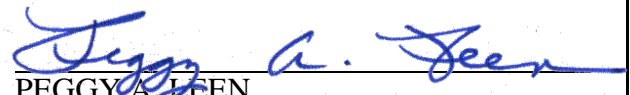
1 response to the Order to Show Cause required. *Id.* at 2:3-5. Plaintiff did not file a motion to
2 remand, respond to the Order to Show Cause, or request additional time to comply.

3 Plaintiff's failure to comply with the court's Scheduling Order and Order to Show Cause
4 \has interfered with the court's ability to hear this case, delayed litigation, disrupted the court's
5 timely management of its docket, wasted judicial resources, and threatened the integrity of the
6 court's orders and the orderly administration of justice. Sanctions less drastic than dismissal are
7 unavailable because Plaintiff has refused to comply with multiple court Orders and the Local
8 Rules of Practice.

9 Accordingly,

10 **IT IS RECOMMENDED** that Plaintiff's Complaint be DISMISSED.

11 DATED THIS 27th day of May, 2014.

12
13 
14 PEGGY A. LEEN
UNITED STATES MAGISTRATE JUDGE

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16 **NOTICE**

17 These findings and recommendations are submitted to the United States District Judge
18 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within fourteen days
19 after being served with these findings and recommendations, any party may file written
20 objections with the court. Pursuant to Local Rule of Practice IB 3-2(a), any party wishing to
21 object to the findings and recommendations of a magistrate judge shall file and serve *specific*
22 *written objections* together with points and authorities in support of those objections, within
23 fourteen days of the date of service of the findings and recommendations. The document should
24 be captioned "Objections to Magistrate Judge's Findings and Recommendations." The parties
25 are advised that failure to file objections within the specified time may waive the right to appeal
26 the District Court's Order. *Martinez v. Ylst*, 951 F.2d 1153 (9th Cir. 1991). The points and
27 authorities filed in support of the specific written objections are subject to the page limitations
28 found in LR 7-4.